

REMARKS

1. The claims were objected to as not in being in compliance with 37 CFR 1.126 because of misnumbering. Applicant acknowledges the misnumbering of claim 50 (misnumbered claim 55) and thanks the Examiner for correcting this error in the Office Action.

2. Claims 28 and 50 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8, 12, 16 and 34 of commonly owned U.S. Patent 6,338,739. Applicant has attached a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome this rejection. Accordingly, the rejection of claims 28 and 50 may now be withdrawn.

3. Since all formal requirements appear to have been met, Applicant respectfully requests a Notice of Allowance at the Examiner's earliest convenience.

Respectfully submitted,

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